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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

PLASTIC SURGERY INSTITUTE OF  
UTAH, INC.; MICHAEL KIRK MOORE  
JR.; and KRISTIN JACKSON ANDERSEN,

Defendants.

Case No. 2:23-cr-00010-HCN

UNITED STATES' MOTION FOR  
LEAVE TO DISMISS INDICTMENT  
WITH PREJUDICE

Judge Howard C. Nielson, Jr.

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The United States, by and through the undersigned Acting United States Attorney, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, hereby moves for leave of the Court to dismiss the Second Superseding Indictment in the above-captioned case, with prejudice. The basis for the motion is that such dismissal is in the interests of justice.

Through counsel, Defendants Plastic Surgery Institute of Utah, Michael Kirk Moore Jr., and Kristen Andersen have stipulated that they are not a "prevailing party" for purposes of the Hyde Amendment. See P.L. 105-119, § 617, 111 Stat. 2440, 2519; 18 U.S.C. § 3006A note.

WHEREFORE, for the reason set forth above, the United States respectfully requests that this Court grant this motion.

Respectfully submitted,

/s/ Felice John Viti  
FELICE JOHN VITI  
Acting United States Attorney